

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG

CHRISTY J. RHOADES, in her
capacity as the Administratrix and
Personal Representative of
the estate of Philip Jontz Rhoades,

Plaintiff,

v.

Civ. Action No. 1:18-CV-186
(Judge Kleeh)

DAVID FORSYTH, in his official and
individual capacity,

Defendant.

JUDGMENT ORDER

This case came on for trial before the Court and a jury, the undersigned United States District Judge presiding, on April 6, 2021. The defendant, David Forsyth ("Forsyth"), appeared in person and by his attorneys, Tiffany Durst and Nathan Carroll. The plaintiff, Christy J. Rhoades, in her capacity as the Administratrix and Personal Representative of the estate of Philip Jontz Rhoades, appeared in person and by her attorneys, Ryan Umina, Travis Prince, and Benjamin Hogan. The issues having been duly tried, the jury rendered its verdict on the 9th day of April, 2021, as follows:

JURY VERDICT FORM

(1) Do you find the Plaintiff has proven, by a preponderance of the evidence, that the force used by Defendant David Forsyth

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toward Philip Jontz Rhoades on August 2, 2017 was excessive and objectively unreasonable?

Yes

_____X_____
No

If your answer to Question (1) is "YES," please proceed to Question (1A). If your answer to Question (1) is "NO," then skip the remaining questions, sign and date the verdict form and inform the Court Security Officer that you have completed your deliberations.

. . .

4/9/21
DATE

/s/ Foreperson
JURY FOREPERSON

Thereupon, the Court ascertained that the verdict represented the unanimous opinion of the members of the jury, and finding the verdict to be in due form, accepted the verdict and **ORDERED** the Clerk to file the Jury Verdict and enter judgment in favor of the defendant.

It is further **ORDERED** and **ADJUDGED** that the defendant has prevailed in this action on the claim of excessive force in violation of 42 U.S.C. § 1983. An order scheduling deadlines as to any post-trial motions is forthcoming.

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It is so **ORDERED**.

The Court directs the Clerk to transmit copies of this Order to counsel of record.

DATED: April 16, 2021

/s/ Thomas S. Kleeh
THOMAS S. KLEEH
UNITED STATES DISTRICT JUDGE